



WISCONSIN LEGISLATIVE COUNCIL AMENDMENT MEMO

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| 2003 Senate Bill 25 | Senate Substitute Amendment 1 and Senate Amendment 1 to Senate Substitute Amendment 1 |
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Current Law

Senate Bill 25 relates to the open enrollment program in public schools. Under the current program, a pupil may attend any public school located outside his or her school district or resident if the pupil's parent or guardian complies with certain procedures and meets certain application deadlines. The acceptance and rejection criteria used by school boards for open enrollment applications may include, among other things, the availability of space. As of January 1, 2002, a school board is permitted to include in its counting of occupied spaces, those pupils and siblings of pupils who are already attending schools in a nonresident school district. Further, if a nonresident school board receives more applications than there are spaces available, the nonresident school board must determine on a **random basis**, which pupils to accept after giving preference to pupils and siblings of pupils who are already attending school in a nonresident school district.

Provisions of Original Legislation

As originally introduced, Senate Bill 25 allowed a school board to create a **waiting list** for open enrollment purposes and required the Department of Public Instruction (DPI) to promulgate rules to implement and administer the waiting list option.

Provisions of Substitute Amendment

The substitute amendment makes the following changes in the original bill:

1. The substitute amendment specifies that the selection of students from the waiting list must be on a **random basis**, consistent with the selection process from the application pool.

2. The substitute amendment clarifies that the waiting list must be comprised of pupils whose applications were initially rejected by the school board.

3. The substitute amendment creates an initial applicability provision. This provision specifies that the legislation *first* applies to pupils whose open enrollment applications were submitted on the first Monday in February following the effective date of the act.

Provisions of Senate Amendment 1 to Senate Substitute Amendment 1

Senate Amendment 1 to Senate Substitute Amendment 1 modifies the initial applicability provision of the bill. Under Senate Amendment 1, a school board is authorized to create a waiting list from applications in the 2003-04 school year that were rejected on or before April 11, 2003 because of lack of space. The legislation would first apply to applications submitted for attendance in a nonresident school district in the 2003-04 school year. Without Senate Substitute Amendment 1, the waiting list authority would not have been effective until applications were received for the 2004-05 school year.

Legislative History

Senate Bill 25 was introduced on February 5, 2003 by Senator Reynolds and others; cosponsored by Representative Cullen and others. The bill was referred to the Senate Committee on Education, Ethics and Elections.

A public hearing was held on the bill on March 26, 2003. At an executive session held on May 14, 2003, the committee introduced Senate Substitute Amendment 1 and recommended passage of the bill as amended on a vote of Ayes, 7; Noes, 0.

Senate Amendment 1 to Senate Substitute Amendment 1 was introduced by Senator Reynolds on June 24, 2003, and adopted by the Senate on a voice vote on the same day. The Senate passed Senate Bill 25, as amended, on a voice vote on June 24, 2003.

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